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OK/HAV

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case. No. CR-S-04-305 DFL
)	
Plaintiff,)	
)	STIPULATION AND [proposed]
)	ORDER
v.)	
)	
JAIME RUIZ-ESTRELLA, et al.,)	
)	
Defendants.)	Hon. David F. Levi
)	
)	

It is hereby requested and stipulated by and between the United States of America through Philip Ferrari, Assistant United States Attorney, and each of the defendants in this case, by and through their undersigned counsel, that the jury trial date currently set for February 27, 2006, be vacated, and that a new trial date of July 24, 2006 at 8:30 a.m. be set.

The reasons for the requested continuance are as follows. More than one of the undersigned defense counsel has a scheduling conflict that will not allow him or her to proceed to trial on February 28. Currently, eight defendants remain in the case and the government estimates that it will take three weeks to present its

1 case in chief. Thus, the parties are proceeding with the
2 understanding that this case may take approximately one month, or
3 longer, to try. Various defense counsel have scheduling conflicts
4 that arise subsequent to the February 28 trial date, such that the
5 first available court trial date that all defense counsel can
6 accommodate is July 24, 2006.

7 It should be noted that continuity of counsel is particularly
8 important in this case. This is a wiretap case that has resulted in
9 voluminous discovery (over 4,000 documents as well as multiple
10 cassette tapes and compact disks) and the Court has previously, with
11 the consent and agreement of each of the defendants, found this case
12 to be complex under the Speedy Trial Act. Substituting new counsel
13 with different schedules would not help to bring this case to trial
14 faster, given the amount of discovery that new counsel would be
15 required to digest.

16 All counsel, and their clients, are in agreement that: (1) the
17 trial confirmation hearing date currently set for February 16, 2006,
18 and the jury trial date currently set for February 27, 2006, should
19 be vacated; (2) the trial confirmation hearing should be re-set for
20 June 29, 2006, and the jury trial should be re-set to commence on
21 July 24, 2006; and (3) the Court's previous finding that this case
22 is complex continues to be appropriate and that time should continue
23 to be excluded pursuant to 18 U.S.C. § 3161(h)(8)(B)(ii) (Local Code
24 T2) and that an exclusion is also appropriate under 18 U.S.C. §
25 3161(h)(8)(B)(iv) for continuity of counsel (Local Code T4), through
26 July 24, 2006.

27 DATED: January __, 2006

28 VICTOR S. HALTOM, ESQ.
Attorney for Defendant
JAIME RUIZ-ESTRELLA

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2
3 DATED: January 24, 2006

/s/ Philip Ferrari for
J. TONEY, ESQ.
Attorney for Defendant
GEORGE GALVAN

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5
6 DATED: January __, 2006

ROSEANN TORRES, ESQ.
Attorney for Defendant
AMADO ESTEVEZ, JR.

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8
9 DATED: January __, 2006

SHARI RUSK, ESQ.
Attorney for Defendant
MARTIN ISAIS

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12 DATED: January __, 2006

CLARENCE EMMETT MAHLE, ESQ.
Attorney for Defendant
HERNAN ISAIS

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15 DATED: January __, 2006

MICHAEL BIGELOW, ESQ.
Attorney for Defendant
ROBERT FLORES

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18 DATED: January __, 2006

DWIGHT SAMUEL, ESQ.
Attorney for Defendant
J. ADRIANA BARAJAS

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20
21 DATED: January __, 2006

FRED DAWSON, ESQ.
Attorney for Defendant
ROBERT MACIAS

22
23
24 DATED: January 18, 2006

McGREGOR W. SCOTT
United States Attorney

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26 By: /s/ Philip A. Ferrari
PHILIP A. FERRARI
27 Assistant U.S. Attorney
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Therefore, **IT IS HEREBY ORDERED** that:

1. The Trial Confirmation Hearing currently set for February 16, 2006, and the Jury Trial currently set for February 27, 2006, are hereby vacated.

2. A Trial Confirmation Hearing is hereby set for June 29, 2006, at 10:00 a.m. Jury trial is hereby set to commence on July 24, 2006, at 8:30 a.m.

3. Based upon the above representations and stipulation of the parties, the court finds that this case is complex within the meaning of 18 U.S.C. § 3161(h)(8)(B)(ii), and that in addition an exclusion of time is necessary to preserve continuity of counsel for the defendants as contemplated in 18 U.S.C. § 3161(h)(8)(B)(iv), and that the ends of justice outweigh the best interest of the public and the defendants in a speedy trial. Accordingly, time under the Speedy Trial Act shall be excluded from today's date up to and through July 24, 2006 pursuant to local codes T2 and T4.

IT IS SO ORDERED.

DATED: 1/31/2006



DAVID F. LEVI
United States District Judge